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**DEC 03 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Scott A. Sirrine :  
Application No. 09/736,232 : **DECISION ON PETITION**  
Filed: December 14, 2000 :  
Attorney Docket No. 65856-0025 :

This is a decision in response to the second renewed petition under 37 CFR 1.181 (no fee), filed September 29, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before January 7, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed October 7, 2008. A Notice of Abandonment was mailed on January 30, 2009. Petitions under 37 CFR 1.181 were filed February 19, 2009 and June 9, 2009; however, the petitions were dismissed in decisions mailed April 22, 2009 and July 29, 2009, respectively. On September 29, 2009, the present petition was filed, wherein petitioner further argues that the Notice dated October 7, 2008 was not received.

As set for in MPEP 711.03(c), the following showing is required for non-receipt of an Office action:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail

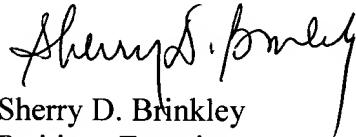
date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with such evidence.

In view of the above, the Notice of Abandonment dated January 30, 2009 is hereby vacated and the holding of abandonment withdrawn.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

A handwritten signature in cursive script, appearing to read "Sherry D. Brinkley".

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions